

REMARKS

This Amendment is being filed in response to the Notice of Non-Compliant Amendment dated July 10, 2008. Applicant has herein rewritten the claims in their entirety such that all the changes made to the claims are readily identifiable in compliance with 37 C.F.R. § 1.121. In this regard, the amendments to the claims show additions as underlined and deletions are marked through. Applicant submits that other than marking the claims to show the amendments, there is no difference between this Amendment and the Amendment filed on March 28, 2008, and no new matter is added. For the Examiner's convenience, the substance of the Amendment filed on March 28, 2008, is reproduced below.

With this Amendment, Applicant amends claims 9-26 and adds new claims 27 and 28. No new matter is added. Therefore claims 9-28 are all the claims currently pending in the present application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 9-26 Under 35 U.S.C. § 103(a)

Claims 9-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hahn et al. (U.S. Patent No. 6,188,949 B1; hereinafter "Hahn") in view of Lemelson et al. (U.S. Patent No. 6,553,130 B1; hereinafter "Lemelson").

Claim 9, as amended recites, “[a] system, comprising: at least one operable device with at least two operating states that may be produced or changed independently from each other to be used in a vehicle, with an operating panel through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device; at least one sensor in the vehicle; and a decision unit, coupled to the operating panel of the operable device, which receives data from said at least one sensor for determining vehicle-specific conditions over a time period of vehicle operation by evaluating the received sensor data and which converts the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle and blocks or releases the existing operating states of the operable device according to whether the actual driving situation is dangerous or non-dangerous on a basis of the driving profile.”

Applicant respectfully submits that the combination of Hahn and Lemelson does not teach or suggest all of the above features of claim 9. The claimed operable device has different operating states that may be produced or changed independently from each other, so that one operating state may be affected, but others may stay the same. The claimed decision unit then controls the different operating states of this operable device by an operating panel of the operable device. In contrast to claim 9, any operable devices may in Hahn only be compared to the engine, transmission and brake. But these operable devices of Hahn, alone or in combination with Lemelson, do not have different operating states that may be produced and/or changed independently from each other, and may not be blocked or released, as required by amended claim 9.

Even with the combination of the blocking and releasing feature of Lemelson, claim 9 is not obvious for a skilled artisan since the skilled artisan would not combine blocking and releasing with the engine, transmission and brake of Hahn, since there are no different operable states for the engine, transmission and brake of Hahn and there certainly is no one which may be blocked or released, while other operable states are not affected, as required by claim 9.

Based at least on the foregoing reasons, the combination of Hahn and Lemelson is deficient and does not teach or suggest all of the features of claim 9. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claim 9 and its dependent claims 11, 13, 15, 17, 19, 21 and 23.

Since claims 10, 25 and 26 contain features that are analogous to, though not necessarily coextensive with the features recited in claim 9, Applicant submits that claim 10 and its dependent claims 12, 14, 16, 18, 20, 22 and 24 as well as independent claims 25 and 26 are patentable at least for reasons analogous to those submitted for claim 9.

II. New Claims

Applicant has added new claims 27 and 28 in order to more fully cover various aspects of Applicant's invention as disclosed in the specification. Given that new claim 27 contains features analogous to, though not necessarily coextensive with, the features recited in claim 9, Applicant submits that independent claim 27 is patentable at least for reasons analogous to those

Appl. No.: 09/621,085
Corrected Amdt. dated July 15, 2008
Reply to Office Action of October 31, 2007

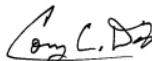
submitted for claim 9. In addition to its dependency from claim 27, Applicant respectfully submits that claim 28 should be allowable at least because the cited combination of references does not teach or suggest all of the recitations of this claim.

III. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Miller is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Cory C. Davis
Registration No. 59,932

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JULY 15, 2008.

LEGAL02/30878829v2